

IN THE DISTRICT COURT OF THE UNITED STATES FOR
THE MIDDLE DISTRICT OF ALABAMA, EASTERN DIVISION

**Jerry Morgan and
Emma Morgan,**
PLAINTIFFS,

vs.

**Stanley Shaw and
Gordon Brown**
DEFENDANTS,

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Case No. 3:07-CV-00276-MHT

AMENDMENT ONE TO THE COMPLAINT

COMES NOW the Plaintiffs in the above styled cause by and through their attorney, Joseph M. Tucker and amends the complaint originally filed herein to include the following allegations and claims against the Defendants, to wit:

1. That the Defendants, Stanley Shaw and Gordon Brown did receive insurance proceeds in excess of \$58,000.00 for real and personal property damaged or destroyed at 217 Glass Road, Valley, Alabama.

2. That the Defendants owed to the Plaintiffs a fiduciary duty to pay all such proceeds in excess of the amount due and owing on the contract to the Plaintiffs.

3. That the Defendants have failed to pay any of said proceeds to Plaintiffs although the amount owing on the contract was less than \$43,500.00.

4. That the Defendant Brown represented on several occasions that he would provide the Plaintiffs proceeds for personal property burned or destroyed in the fire.

5. That Defendants Shaw and Brown were named insureds on the policy covering the house in question and certain personal property located on the premises.

WHEREFORE, Plaintiff requests that this Honorable Court grant the following temporary relief:

A. Require that the Defendants Shaw and Brown pay all excess insurance proceeds to the Plaintiffs.

B. Award punitive damages against the Defendants in an amount deemed proper by the court;

C. Cause the Defendants to pay to the Plaintiff the costs of the attorney's fees and costs of this action.

D. Grant such other relief as the court may deem mete and proper under the circumstances.

Respectfully submitted this the 10th day of April, 2007.

s/ Joseph M. Tucker

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CERTIFICATE OF SERVICE

I, Joseph M. Tucker, do hereby certify that on the 10th day of April, 2007 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Christopher J. Hughes, Esq.
Hughes@samfordlaw.com

s/ Joseph M. Tucker

Joseph M. (Mac) Tucker